



A big win in the war for water

By Union-Tribune Editorial Board
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As it has been for decades, the military is critical to San Diego's economic future. So is tourism. So are agriculture and the science and technology industries that have helped make San Diego a player in the global economy. But ahead of all those critical economic engines is water. Without a reliable – and reliably growing – supply of water, this semiarid region at the tail end of the pipelines would shrivel and die as an economic powerhouse.

The battle to maintain existing sources of water and to develop new ones is never-ending and is fought on many fronts. One of those battle fronts is the courthouse, and San Diego County won a major legal ruling this week that would have been devastating had it gone the other way.

A state appellate court in Sacramento on Wednesday reversed a lower-court ruling that invalidated a series of hugely complicated contracts reached in 2003 between the San Diego County Water Authority, the Imperial Irrigation District, the Coachella Valley Water District and the state. Those contracts are bureaucratically known as the Quantification Settlement Agreement and, while they have many provisions, what they mean to San Diego County is an additional 160,000 acre-feet of Colorado River water transferred here every year from the farms of the Imperial Valley, increasing to 280,000 acre-feet in 2021. That's enough water to meet the needs of some 400,000 San Diego County households every year. Other provisions obligate the water districts to pay a combined \$133 million for mitigating impacts of the water transfer on the Salton Sea in Imperial County, with the state agreeing to pay any costs above that.

The water deal was challenged in court almost immediately, but, with administrative records related to the case filling more than 350 compact discs, it did not get to trial until the fall of 2009. The trial court judge ultimately ruled that the contract obligating the state to pay environmental mitigation costs exceeding \$133 million was unconstitutional. And, since the other contracts were intrinsically linked to that one, they were invalid, too, the court said.

It was that ruling that was overturned this week. The court said that, while the agreement does unconditionally obligate the state to pay the excess mitigation costs, it would still require an appropriation by the Legislature, allowing the deal to pass constitutional muster.

"This is a very big day for San Diego County, our \$186 billion economy, 3.1 million people who call San Diego County home today, and the generations that will follow," said Dennis Cushman, assistant general manager of the water authority here.

This being a fight over water in California, the latest ruling will likely be appealed to the state Supreme Court. So the battle, as always, continues. But this is a victory to celebrate.